

WALCZAK ET AL.
"Method And System for Validating A
Mobile Station Location Fix"
Atty. Docket No. CS10560

Appl. No. 09/769,122
Confirm. No. 5562
Examiner D. Le
Art Unit 2685

REMARKS

Request for Reconsideration, Informal Matters, Claims Pending

5 The Official action mailed on 10 November 2003 has been considered carefully. Reconsideration of the claimed invention in view of the amendments above and the discussion below is respectfully requested.

10 Claim 2 was broadened in scope by indicating that generation of the non-network based location fix "... includes receiving global positioning system signals at the mobile station."

Claims 1-33 are pending.

Patentability of Claims Over Combinations of Bajikar With One ore more of Bala, Hill, Yen & Elliot

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Rejection Summary

20 Claims 1-3 and 12-13 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2002/0198001 (Bajikar).

 Claims 4, 6 and 8 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Bajikar in view of U.S. Patent No. 5, 857,155 (Hill).

 Claims 7 and 14 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Bajikar in view of Hill and U.S. Patent No. 6, 539,230 (Yen).

25 Claims 9, 15 and 19 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Bajikar in view of U.S. Publication No. 2002/0068580 (Bala).

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Claims 10 and 17 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Bajikar in view of Bala and Yen.

Claim 11 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Bajikar in view of Bala and Hill.

5 Claims 16 and 20 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Bajikar in view of U.S. Publication No. 2002/0198001 (Elliot).

 Claim 18 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Bajikar in view of Yen and Hill.

10 Claims 27-28, 30 and 32-33 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Bajikar in view of Yen.

 Claim 29 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Bajikar in view of Yen and Hill.

15 Claim 31 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Bajikar in view of Yen and Bala.

Discussion of Affidavit Under 37 CFR 1.131

20 The Applicants have submitted herewith an Affidavit or Declaration under 37 CFR 1.131 swearing back of the Bajikar and Elliot references. The secondary reference relied upon to support the obviousness rejection do not make up the deficiencies of Bajikar and Elliot. The rejections based on Bajikar and Elliot are therefore improper and must be withdrawn. Kindly withdraw the statutory rejections based upon Bajikar and Elliot.

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Allowability of Claims Over Yen & Bala

Rejection Summary

5 Claims 21-22 and 24 stand rejected under 35 USC 102(e) as being
anticipated by U.S. Patent No. 6,539,230 (Yen). Office Action, 10 November
2003, para. 3.

 Claims 23 and 25-26 stand rejected under 35 USC 103(a) as being
unpatentable over Yen in view of U.S. Publication No. 2002/0068580 (Bala).
10 Office Action, 10 November 2003, para. 12.

Discussion of Allowability of Claim 21

 Regarding Independent Claim 21, contrary to the Examiner's
15 assertion, Yen fails to disclose or suggest a

 ... method for validating a location fix of a mobile station,
comprising:
 generating a plurality of location fixes of the mobile station;
20 evaluating the validity of a recently generated location fix of the
mobile station by comparing the location fix for which the validity
determination is required to a previously generated mobile station
location fix.

25 Yen discloses a GPS-enabled mobile station (MS) that determines
whether or not to perform a frequency for a new control Channel (DCCH)
based on movement of the mobile station to a new location (x_n, y_n) relative to a
prior location (x_1, y_1). In Yen, the MS searches for a new DCCH only if it has
moved a distance "L" from the prior location. Yen does not disclose "..."

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evaluating the validity of a recently generated location fix of the mobile station by comparing the location fix for which the validity determination is required to a previously generated mobile station location fix." Yen assumes that the new location computation is accurate. Yen uses the prior location as a reference with which to measure the distance traveled to the new location. Claim 21 and the claims that depend therefrom are thus patentably distinguished over Yen.

Discussion of Allowability of Claim 22

Regarding Claim 22, dependent from Claim 21, Yen fails to disclose or suggest in combination with the limitations of Claim 21,

... evaluating the validity of the location fix for which the validity determination is required by determining whether it is within a specified range of the previously generated location fix.

Yen does not disclose or suggest evaluating the validity of a location fix based on one or more prior location fixes. As noted, Yen assumes that the present location fix is valid and uses it to determine whether or not to scan for a new DCCH. Claim 22 is thus further patentably distinguished over Yen.

Discussion of Allowability of Claim 23

Regarding Claim 23, dependent from Claim 22, Yen fails to disclose or suggest in combination with the limitations of Claim 21,

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... defining the specified range based on an estimated velocity of the mobile station and a time variable.

5 The Examiner concedes that Yen does not disclose defining an "...
estimated range based on estimated velocity of the mobile station and a time
variable..." but alleges that the "... Bala reference teaches 'a subscriber's likely
current location could be determined, at least in part, based on the subscriber's
last location, the speed and direction of travel of the subscriber and the time
when the subscriber's last location was confirmed.'" Office Action, 10
10 November 2003, para. 12.

The determination of location (as allegedly disclosed by Bala) is
not the same as "...defining the specified range based on an estimated velocity
of the mobile station and a time variable" as recited in Claim 23. Yen and Bala
also fail to disclose or suggest the limitations of Claims 21 and 22, from which
15 Claim 23 depends. Claim 23 is thus further patentably distinguished over Yen
and Bala.

Discussion of Allowability of Claim 24

20 Regarding Claim 24, dependent from Claim 21, Yen fails to
disclose or suggest in combination with the limitations of Claim 21,

25 ... evaluating the validity of the location fix for which the validity
determination is required by determining whether it is closer to a
more recently generated location fix than it is to a less recently
generated location fix.

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Yen does not disclose or suggest determining whether a presents location fix is nearer to a more recently generated location fix than it is to a less recently generated location fix. Yen assumes that the present location fix is valid and uses it to determine whether or not to scan for a new DCCH. Claim 24 is thus further patentably distinguished over Yen.

Discussion of Allowability of Claim 25

Regarding Claim 25, dependent from Claim 21, Yen fails to disclose or suggest in combination with the limitations of Claim 21,

... estimating a future position fix of the mobile station, evaluating the validity of the location fix for which the validity determination is required by determining whether it is within a specified range of the estimated future position fix of the mobile station.

The Examiner concedes that Yen does not disclose the limitations of Claim 25, but assert that the "... Bala reference teaches 'a subscriber's likely *current location* [emphasis supplied] could be determined, at least in part, based on the subscriber's last location, the speed and direction of travel of the subscriber and the time when the subscriber's last location was confirmed." Office Action, 10 November 2003, para. 12. Bala teaches determining current location as italicized above, not "future" location as recited in Claim 25. Claim 25 is thus further patentably distinguished over Yen and Bala.

Discussion of Allowability of Claim 26

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Regarding Claim 26, dependent from Claim 25, Yen fails to disclose or suggest in combination with the limitations of Claim 25,

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... estimating a velocity of the mobile station, defining the specified range based on the estimated velocity and time interval.

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The determination of location (as allegedly disclosed by Bala) is not the same as "... defining the specified range based on an estimated velocity and time variable" as recited in Claim 26. Yen and Bala also fail to disclose or suggest the limitations of Claims 21 and 25, from which Claim 26 depends. Claim 26 is thus further patentably distinguished over Yen and Bala.

Pray For Relief

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In view of the amendments and the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

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The Examiner is invited to contact the undersigned upon carefully reviewing the foregoing amendment and discussion, prior to preparing an official action in response thereto.

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Respectfully submitted,



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